

From: Rep. Michel, David <David.Michel@cga.ct.gov>

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To: envtestimony <envtestimony@cga.ct.gov>

Cc: harrison.nantz@ct.gov; katie.dykes@ct.gov; david.lehman@ct.gov; Rep. Gresko, Joseph <Joseph.Gresko@cga.ct.gov>; Sen. Cohen, Christine <Christine.Cohen@cga.ct.gov>; Sen. Miner, Craig <Craig.Miner@cga.ct.gov>; Rep. Harding, Stephen <Stephen.Harding@cga.ct.gov>

Subject: HB5297 urgent need of substitute language

Dear esteemed chairs Gresko and Cohen, and ranking members Harding and Miner, commissioners Dykes and Lehman, and governor's team,

I hope this testimony finds you well.

To commissioner Dykes, when our House Bill just like last year turned out to be with different language, it became sort of just the typical struggle of "we want something effective" and it would seem "you do not at all".

As a public hearing is around the corner, on behalf of the vulnerable communities that suffer from pollution from affecting facilities, whom you will hear from time to time when they no longer have a choice but to move out of their neighborhoods because their children develop COPD or Asthma, I implore you to support or submit substitute language that will fix the permitting process. The language on CEEJAC should also be amended.

The CEEJAC is another entity to be run by Deep, and summoned to make recommendations to Deep. That just sounds silly, and it is nothing new in this complex. I believe the CEEJAC should be re defined as an independent entity. Its recommendations should be made to the legislators. It would make it easier to support it.

We see it very often, commissions and councils being summoned to make recommendations to the entity that leads the meetings. I do not believe this type of an entity is worth waiting another year or more for strengthening of the EJ statutes. Deep actually has a map (incomplete for now) of EJ communities, deep acknowledges there is a problem, but why does not deep help us fix the permitting process?

The legislature has a specific role in this complex, and part of it is to ensure we legislate for the people where the agencies are failing them. But what makes this process hard is when the agencies, with the help of leadership of a committee of cognizance, control the process, and undermine part of our role as legislators. It should be even more of a reason for the legislators to fight together for a "good" bill when getting push back from agencies. I would rather we all come to the table, but it seems difficult lately to get everyone to the table.

Biden is not an environmental champion, clearly, yet he mentioned environmental justice again, at his state of the union recently. The governor mentioned it as well, yet there is no language in the system currently that would effectively strengthen EJ statutes and protect our people.

DEEP had confirmed/acknowledged the inability to deny a permit to an affecting facility. So when offered language that would enable you, at Deep, to protect people in affected communities, why not support it? Or would you support it?

It is clear what the STS language does, and it fixes that and also addresses definitions of affecting facilities as well as what an EJ community is, it refines the definitions. It might need some LCO work, but all intents should be kept intact.

So why does HB5297 have the ceejac language in replacement of effective language to fix a broken system, a broken "permitting" system undermining people of color and of lower income?

This shows a clear lack of priorities to protect the people's public health in EJ communities. Why the delay?

Environmental Justice has been in statutes since 2008 (thank you to the good rep Jack Hennessy for that), i find it shameless to perpetuate this inability to Deep to protect those communities and to continue permitting..or simply to continue this process without turning down bad application while not addressing the existing affecting facilities permits.

If we look at the expression "permitting", any sane person would understand that there is the possibility of a refusal if it is not reasonable or causes damages to people and the environment. In this case why even go through a permitting process if the result is always yes to the polluters.

I implore the governor's team, the DEEP and DECD commissioners, i implore the esteemed chairs, vice chairs, ranking members and the rest of the ENVIRONMENT committee to turn this around and follow logic and good service to the environment and people of our state, by substituting language so it becomes an Environmental Justice bill, and can be a new effective law to protect the most vulnerable in our state. We have to change the faulty permitting process.

I have attached proposed language to be adapted and included in this bill, and suggest that the ceejac language be also amended to better reflect an independant body that would make recommendations to the Legislature (and DEEP).

Ensuring functioning polluting entities in EJ Communities are asked to remediate or close (shape up or ship out), or ensuring they do not set up "shop" at all unless they can do it without harming people and the environment is crucial for public health. If not addressed, the people will continue suffering. Prevention is much less costly than inaction.

It's been time to clean things up!

State Representative David Michel
Proudly representing Stamford's South End, Shippan and Downtown
Assistant to the Majority Leader
Co Chair of the CT Animal Advocacy Caucus
Member (& proponent) of the CT Offshore Wind Commission for Environmental Standards
Member of the Environment, Planning & Development, and Transportation Committees